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| APPLICATION NO. | | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-----------------------|------------------|-------------------|-------------------------|---------------------|------------------|--|
| 10/848,832 05/18/2004 | | 05/18/2004 | Martin Kristen | 22786 | 4791 | |
| 535 | 7590 | 02/14/2005 | | EXAMINER | | |
| THE FIR | RM OF KA | RL F ROSS | NELSON JR, MILTON | | | |
| 5676 RIV PO BOX | 'ERDALE A 900 | VENUE | ART UNIT | PAPER NUMBER | | |
| RIVERD | ALE (BRON | VX), NY 10471-090 | 3636 | | | |
| | | | DATE MAILED: 02/14/2005 | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| • | | Application | No. | Applicant(s) | | | | | |
|---|---|---|---|--|----------|--|--|--|--|
| | | 10/848,832 | 10/848,832 KRISTEN, MARTIN | | | | | | |
| .V | Office Action Summary | Examiner | | Art Unit | | | | | |
| - | | Milton Nels | | 3636 | | | | | |
| Period fo | The MAILING DATE of this communicat or Reply | tion appears on the d | cover sheet with the c | orrespondence address | ; | | | | |
| A SH THE - Exte after - If the - If NC - Failu Any earn | ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA nsions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply specified above is less than thirty (30) date of period for reply is specified above, the maximum statutor use to reply within the set or extended period for reply will, reply received by the Office later than three months after the digital patent term adjustment. See 37 CFR 1.704(b). | TION. 7 CFR 1.136(a). In no event ation. 1ys, a reply within the statutory period will apply and will oby statute, cause the applica | however, may a reply be timely minimum of thirty (30) day expire SIX (6) MONTHS from ation to become ABANDONE | nely filed s will be considered timely. the mailing date of this commun D (35 U.S.C. § 133). | ication. | | | | |
| Status | | | • | | | | | | |
| 1)⊠ | Responsive to communication(s) filed o | n <u>30 November 200</u> | <u>04</u> . | | | | | | |
| 2a)⊠ | ☑ This action is FINAL. 2b) ☐ This action is non-final. | | | | | | | | |
| 3) | 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits | | | | | | | | |
| | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | | | |
| Disposit | ion of Claims | | | | | | | | |
| 4)⊠ | Claim(s) <u>1-12</u> is/are pending in the application. | | | | | | | | |
| | · · · · · · · · · · · · · · · · · · · | bove claim(s) is/are withdrawn from consideration. | | | | | | | |
| 5)□ | Claim(s) is/are allowed. | | | | | | | | |
| | Claim(s) <u>1-12</u> is/are rejected. | | | | | | | | |
| _ | Claim(s) is/are objected to. | | | | | | | | |
| 8)□ | Claim(s) are subject to restriction | n and/or election red | quirement. | | | | | | |
| Applicat | ion Papers | | | | | | | | |
| 9)[| The specification is objected to by the Ex | xaminer. | | | | | | | |
| 10) | The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | | | |
| | Applicant may not request that any objection | n to the drawing(s) be | held in abeyance. See | e 37 CFR 1.85(a). | | | | | |
| _ | Replacement drawing sheet(s) including the | * | •, , | • | • • | | | | |
| 11) | The oath or declaration is objected to by | the Examiner. Not | e the attached Office | Action or form PTO-15 | 52. | | | | |
| Priority (| under 35 U.S.C. § 119 | | | | | | | | |
| а) | Acknowledgment is made of a claim for All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International | cuments have been cuments have been he priority documer Bureau (PCT Rule | received. received in Applicati its have been receive 17.2(a)). | on No ed in this National Stag | e | | | | |
| * (| See the attached detailed Office action fo | or a list of the certific | ed copies not receive | ed. | | | | | |
| Attachmen | • • | | _ | | | | | | |
| | ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO- | | 4) Interview Summary Paper No(s)/Mail Da | | | | | | |
| 3) 🔲 Infor | ce of Dransperson's Patent Drawing Review (PTO- mation Disclosure Statement(s) (PTO-1449 or PTC er No(s)/Mail Date | D/SB/08) | | Patent Application (PTO-152) | ! | | | | |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following limitations represent new matter in the application:

- 1. The inner wheel being pivotal with the link about the inner axis through a plurality of angular positions (lines 10-11 of claim 1).
- 2. The connecting means for holding the outer wheel in the same angular position relative to the inner wheel regardless of the angular position of the main link (lines 15-17 of claim 1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 102(b) as being anticipated by Ryan et al (4678229). Note the frame (33), main link (55), main link inner axis (through 25), main link outer end (at 57), main link outer axis (through 57), outer arm (7), outer arm inner end (at 57), outer arm outer end (at 60), foot rest (9), inner wheel (56), outer wheel (34), connecting means (25), and drive means (41, 37).

Response to Amendment/Arguments

Applicant's response filed November 30, 2004 has been fully considered. Remaining issues are outlined above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claims 2-12 have not been rejected in view of the prior art of record, however note the rejections under 35 U.S.C. 112, first paragraph.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Wednesday 5:30-3:00, and alternate Fridays 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Milton Nelson, Jr. Primary Examiner Art Unit 3636

mn

February 9, 2005